

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

<b>Steven N. Caviness,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 1:09-CV-00098-JRH-WLB</b>
	)	
<b>v.</b>	)	
	)	
<b>James R. Holland, II, and</b>	)	
<b>Wettermark, Holland</b>	)	
<b>&amp; Keith, LLC,</b>	)	
	)	
<b>Defendants.</b>	)	

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**PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT  
AS TO DEFENDANTS’ CLEAR AND PALPABLE LIABILITY**

COMES NOW, Steven N. Caviness, Plaintiff in the above-styled action (hereinafter “Mr. Caviness” or “Plaintiff”) and, pursuant to Southern District of Georgia Local Rule 56 and FED. R. CIV. P. 56(d)(2), moves this Honorable Court for partial summary judgment as to liability for clear and palpable legal malpractice and breach of fiduciary duty against Defendants James R. Holland, II, Esq. and his law firm, Wettermark, Holland & Keith, LLC, jointly and severally (hereinafter “Defendant Holland” and “Defendant WHK” respectively or collectively as “Defendants”). Plaintiff’s Brief in Support hereof and Plaintiff’s Concise Statement of Facts to Which No Issues Remain To Be Tried are filed concurrently herewith.

Respectfully submitted this 12<sup>th</sup> day of July, 2010.

/s/ DOUGLAS V. CHANDLER  
DOUGLAS V. CHANDLER, ESQ.  
Georgia Bar No. 783525

/s/ HENRY N. CRANE III  
HENRY N. CRANE III  
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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Plaintiff's Motion for Partial Summary Judgment As To Defendants' Clear And Palpable Liability was served upon the following individuals via email through the Federal Court's CM/ECF system, addressed as follows:

Peter Werdesheim, Esq.  
Carlock, Copeland & Stair, LLP  
2600 Marquis Two Tower  
285 Peachtree Center Ave.  
Atlanta, Georgia 30303

This 12<sup>th</sup> day of July, 2010.

By: /s/ Henry N. Crane III  
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